

From S. F.:
Siberia, Nov. 17.
For S. F.:
Nile, Nov. 20.
From Vancouver:
Niagara, Dec. 3.
For Vancouver:
Marama, Dec. 2.

Evening Bulletin, Est. 1882, No. 5594.
Hawaiian Star, Vol. XXI, No. 5711.

14 PAGES—HONOLULU, TERRITORY OF HAWAII, MONDAY, NOV. 17, 1913.—14 PAGES

PRICE FIVE CENTS.

CARTER, IN OPEN LETTER TO MAYOR, SAYS LAW IS DODGED

Former Governor Declares City Treasurer Has No Authority to Borrow Pay-Roll Money from Banks—Fern Declines to Make the Communication Public

M'CARTHY SAYS THERE IS A MISUNDERSTANDING

Treasurer Explains That Warrants Are Cashed and Held by Financial Institutions Until Funds Are Forthcoming, 5 Per Cent Being Allowed

Drawing attention to what he says is a disregard by City and County Treasurer McCarthy in borrowing money from local banks to tide over municipal stringencies, Former Governor George R. Carter today wrote an open letter to Mayor Fern, vigorously criticizing the arrangement to meet last Saturday's city pay-roll and previous arrangements of a similar kind.

In the same letter Mr. Carter draws attention to the fact that last week he found three county wagons busily engaged in hauling dirt from a Pawaa lot to fill a side-alley leading to the home of Thomas J. Kennedy, recently appointed road overseer.

"The man in the street would like to hear an explanation of these things, and he is entitled to it from the public officials," said Mr. Carter today.

The letter follows:

"Hon. J. J. Fern, Mayor City and County of Honolulu, City.

"Dear Sir: When high public officials refuse to do that which the law provides for, they unconsciously prepare the ground for a harvest of graft. The line of duty between right and wrong then becomes a matter of individual opinion, and the lower public officials naturally begin to do as they please. The testimony of convicted grafters rarely shows up a man who deliberately intended to do wrong. They simply have lost their sense of judgment and suddenly find their ideas differ from those of the courts.

"Now, I think a citizen who wishes to kick over loose due to embarrassment or its prosecution, and a citizen who is indifferent, does not do his full duty. Hence these questions to you, the official head of the city and county government.

Asks Explanation

"Can you, or those officials more directly responsible, explain publicly how the county treasurer all by himself can quietly borrow money from the banks, as stated in the local press, in the face of the fact that in constructing our county government no such power was granted?

"Local patriotism to 'help the county out' for a consideration, or its attorney may give a favorable legal opinion which differs from that of other attorneys. But the fact remains that the county has no powers beyond those given by the people, and as the people usually desire to know all about their own affairs so they provided in detail just what they wanted done when there was no cash in the treasury. See S. L. 1907, Act 117, Secs. 99-104. (See sections quoted below.)

"Do those who make other arrangements for financing the county think their disapproval of the plan provided a justification for setting it aside?

"We are so accustomed to condone offenses that I presume many would think it unfair to appeal to the courts, and on favorable decision force the banks to lose these advances even if there was no misuse of the money.

"Again, how can we expect subordinate and minor officials to fully do their duty regardless of their own opinion when they see certain bankers and the city treasurer get around the plain intent of the county act?

How About This?

"And finally, can you tell me why when three county wagons, six county mules, and three drivers (whose names I have) are engaged in hauling dirt to fill a little side alley off Ena road, which leads into the rear of the assistant county road superintendent's residence? Why, I ask, should they dump any of that filling in the yard of that county official? And why should the superintendent of the stable at Kakaako give employment to a water-carrier driver when there is no street-watering needed by the dirt around the official's back yard and the insignificant alley? To the man in the street these transactions seem odd and if there is a satisfactory explanation, he needs it. Surely these instances do not illustrate the kind of administration the Democratic party promised the voters. Nor do they inspire confidence.

"Very sincerely yours,

"G. R. CARTER"

How the Law Reads

The sections in the session laws of

(Continued on page eight)

REGAL

The Original Underslung Car. Noted for Economy, Comfort and Durability.

H. E. HENDRICK, LTD.

Merchant & Alakea Sts. Phone 2648



Above, former Governor George R. Carter, who writes an open letter to the mayor, asking a number of pertinent questions on city administration. Below, Mayor J. J. Fern, who admits receiving the letter but refuses to make it public, stating that he needs time for consideration of the contents.

KING KALAKAUA'S BIRTHDAY YACHT RACES ARE HELD

Prince Kalaniana'ole Loses When He Allows Rival to Trim Tiny Craft's Sails

In tribute to King Kalakaua, last male monarch of Hawaii, the Hui Moku Lili'i, or Miniature Yacht Club, last Saturday held the annual races in the harbor that have made picturesque history for more than 20 years. Yesterday was the 77th anniversary of the birth of Kalakaua and was quietly but widely observed throughout the islands.

The yacht races on the harbor and a paina (feast) at the home of Prince Kalaniana'ole in the evening, at which the prince was a hospitable host, made up the events of the day locally. The races between the tiny but swift-scuttling yachts on the harbor drew a large crowd of spectators to the water front. There were eight contestants, including the prince, and the race was very interesting. Under the strict rules adopted by the club, the competitors could not touch their boats unless the little craft got off the course, which was a six-lap course well inside the harbor.

Delegate Kuhio's yacht, made by himself last week, was hardly finished but it proved to be a very speedy contestant and as the prince is a good sailor, he had the sails well trimmed and his entry led for five laps. On the sixth lap William Hall, a close second, saw that his yacht was sailing badly and asked permission of Kuhio to trim the sails. The prince readily agreed, but his generosity to a rival cost him the race, for Hall's boat then passed his own entry and finished first. The judges, in their report, said that hereafter no one but themselves will be allowed to decide on the handling of boats.

The little yachts finished in the following order of owners:

First, William Hall; second, Prince Kalaniana'ole; third, Alex Smith;

fourth, H. Friday; fifth, Ekela.

The paina at the prince's home last Saturday evening was an informal and enjoyable affair. In addition to the club, a few invited guests were present. Commemorative songs were sung and short toasts rendered. The club then held a business session. As head of the club, the prince presided.

Returning to Kaula this evening, the steamer W. G. Hall will carry a small cargo.

JOHN KELLETT DISCHARGED BY SHERIFF JARRETT

Move for Reinstatement Will Be Made Before Civil Service Commission Tomorrow

FIGHT PROMISES TO BE LONG AND BITTER ONE

Negro Charges 'Brutality' Was Administered When He (the Negro) Was 'Lawfully Drunk'

In line with Sheriff Jarrett's program, as outlined in the Star-Bulletin Saturday, Detective John R. Kellett was discharged this morning. A fight will be made tomorrow morning before the civil service commission for his immediate reinstatement. With Deputy Attorney-general Arthur G. Smith on one side, supporting the action of the removing authority, and E. C. Peters on the other, with a defense which may carry with it sensational charges involving several officers of the police department who are expected to give evidence against Kellett, the fight may be long and bitter.

Aside from its deciding whether the alleged causes are or are not sufficient to warrant the discharge of Kellett, the hearing tomorrow may be the basis of a test suit on the powers of the commission. Neither of the attorneys in the case, however, has raised the point of the commission's jurisdiction thus far, and neither of them has intimated that he will.

The commissioners are known to be willing for such a test case to be instituted. They wish the act of the legislature which created their body to be interpreted. If any plan is under way for such a suit to be started, it will not doubt be made known following the hearing tomorrow. For by submitting to whatever order the commission may make, the parties will not doubt be deemed to have waived any objections to the authority, assumed or real, of the commission.

Kellett is confident that he will be reinstated.

The hearing tomorrow will begin at 9 o'clock and will take place in the chamber of the supervisors. A great deal of interest is shown in the case, and Kellett's confidence that he will be able to succeed in disproving every charge against him is also voiced by many of his friends. Peters has gone thoroughly into the case, and while not making the defense known at this time, he is also confident of success.

There are three different charges against Kellett. The first one alleges his brutal treatment of four prisoners, the second that he is wearing a watch and ring belonging to a prisoner, and the final one accuses him of taking evidence money from about a dozen games. The amounts of the money alleged to have been taken by him from gambling games range from one dollar to about \$15.

One of the complainants against Kellett on the score of brutality is Clarence Robinson, a negro who has figured with remarkable frequency in police court proceedings. The negro has made a statement to Deputy Attorney-general Smith setting forth that

(Continued on page two)

JOHN WISE SAYS BIG ISLAND VOTE BEGINS TO SPLIT

Thinks Non-Partisanship Likely to Become Feature of the Next Campaign

John H. Wise, prominent Republican and generally regarded as an important cog in the workings of the "invisible government" in Honolulu, as A. L. C. Atkinson and other Bull Moose call it—is in Honolulu after a long stay at his home on Hawaii. And John Wise says that the voters of the Big Island are talking non-partisan politics strongly and earnestly.

"Politics is hot on Hawaii and everybody is anxious to know what the developments will be under the new primary law," said Wise this morning. "The general opinion seems to be that party organizations are going to suffer, and it looks very much as though the non-partisan idea is going to be popular. There is dissatisfaction with both the Republican and Democratic parties on the Big Island."

Wise says that Delegate Kuhio is strong on Hawaii. "He has plenty of firm supporters up there, but there is no doubt that Link McAndrew will again be a candidate who must be reckoned with."

Wise is engaged in homesick reading on a new project in the Waimea district. "A large number of families are going to live on the land and some are living there now. The houses are being put up and we have about 70 acres of land ploughed. The weather has been cold and rainy, which has held back work to some extent."

Judge Cooper Has Not Resigned, He Cables to His Son

Meeting to Indorse Successor Will Now Probably Not Be Held

Circuit Judge Henry E. Cooper has not resigned from the bench. Accordingly it is likely that a meeting of the Bar Association called for tomorrow afternoon to discuss the indorsement of a successor to Judge Cooper will not be held.

Alfred D. Cooper, the judge's son, this morning received a cablegram that settled the question which arose a few days after it was reported here from Washington that the jurist had filed his resignation with the attorney-general. Alfred Cooper cabled his father as follows last Friday:

"Have you resigned?" This morning he received the following cablegram from Judge Cooper at San Francisco:

"No. Sail Sooner."

And this is naturally taken as authoritative.

GEN. FUNSTON SAYS NO REPORT MADE TO DEPT.

Thorough Investigation Is Being Made of Alleged Assault—Soldier Arrested

A soldier of the 25th Infantry, whose name is withheld on the chance that he has no connection with the affair, was this morning arrested on suspicion of being one of the men implicated in the alleged criminal assault on a respectable Japanese woman a few nights ago, and the beating-up of the husband when he tried to interfere. Although no report of the affair has been made to army headquarters, General Funston, acting on the published accounts of the affair, this morning instructed Colonel Kennon, commanding the 25th, to make an investigation. It developed that the regimental commander had already taken the necessary steps, and as the result, the suspect was apprehended before noon today. "If this matter had been reported promptly to this office, there would have been little chance of the men escaping if they were guilty," said General Funston this morning. "It would have been extremely difficult to trace such an act to a white soldier, because there are so many different organizations, but when a colored soldier is accused the investigation narrows down to a single regiment, and if the report is made promptly, it is comparatively easy to trace the movements of the men on pass. After several days have gone by it is much more difficult. I regret exceedingly that this office was not notified of the alleged assault promptly, so that we could be surer of getting the right men to answer for it."

CAPTAIN M'DUFFIE IS INVESTIGATING CASE OF ALLEGED ASSAULT

Captain of Detectives McDuffie is investigating this afternoon the case of Mrs. K. Hashimoto of Iwilei road, a Japanese woman who is said to have been assaulted. There is considerable doubt on the facts of the case, and in order to get to the bottom of it, McDuffie has taken up the investigation personally.

According to the first report, the woman was attacked by United States soldiers, who entered her house, and according to a Japanese newspaper, the woman was cruelly treated. No report of the affair has been made to the police, it was stated today.

The police profess to have learned today through Japanese sources that the woman has declared that she was not criminally assaulted by the invaders. Mrs. Hashimoto is said to have admitted that the home was visited by three white soldiers, who grabbed her and engaged in a scuffle before being ejected from the premises.

WHITE MEN TAKEN BY M'DUFFIE IN RAID ON SATURDAY NIGHT GAME

The muffled click of poker chips attracted the attention of captain of Detectives McDuffie and three officers in passing along Richards street last Saturday night. Before leaving the locality, the minions of the law induced nine alleged players of the national game to accompany them to the police station.

The lair of the festive tiger was located in the quarters formerly occupied by the once renowned "Phoney" Davis. Five white men, two colored soldiers and two Porto Ricans were caught in the endeavor to woo fickle fortune with the assistance of the pasteboards.

In calling the case at district court this morning, two defendants appeared for trial. Bail to the amount of \$10 was declared as forfeited for the absentees. The man accused of running the game was fined \$15, the other defendant \$5.

WOMAN HOLDS HOME AGAINST POLICE FORCE

Mrs. Angus McDonald, Left Destitute, Refuses to Allow Creditors on Premises

MOTHER CARES FOR HER TWO LITTLE CHILDREN

Minions of Law Guard House but Wife of Missing Man Will Not Give Up Fight

Forced to sit continually behind locked doors in order to prevent the law from stepping in and taking from above the heads of herself and her two little boys the house with its furniture which, she claims, rightfully belongs to her, and rendered practically destitute through being unable to secure funds from any source, Mrs. Angus McDonald, wife of the former local contractor who some months ago went to the mainland and left behind him several angry creditors, this morning told to the Star-Bulletin the story of how, as she expressed it, she has been "shamefully treated by her husband's creditors and other persons."

When Angus McDonald left the territory about the first of the year, the story soon came out that he had gone to escape a number of creditors who were pressing him for money, but the tale did not carry the story of the wife and two boys whom he left behind with barely enough money to carry them six months and with no promise of keeping them supplied with money. Rumors of Mrs. McDonald's alleged destitution were heard for this first time this morning and a representative of the Star-Bulletin calling upon her, found her sitting in the parlor of her home on Beretania and Piikoi streets with the doors locked to prevent, she said afterwards, the representatives of the law coming in and taking her house and furniture to satisfy her husband's creditors.

Destitute Woman Tells Story. "There is little to tell, except that I and my two boys have been shamefully treated by my husband's creditors and other persons," said Mrs. McDonald. The two little boys, one of whom attends school, sat near their mother, and when the mother mentioned the question as to whether the house was policed, the youngest ran to the door, looked out for a moment, and then called back "There is a policeman out in front of the house now." Mrs. McDonald then told her story:

"When my husband went away I had very little money, and I was told by a painter and contractor who was a friend of ours, that there was \$600

(Continued on page four)

'RAILROADING' LATEST CHARGE AGAINST HALSEY

'Nigger in Woodpile' in Beri-beri Case is Contention of Attorney Lightfoot

Attorney Joseph Lightfoot has been given until 10 o'clock next Wednesday morning to produce evidence in federal court supporting the affidavit he filed last week in the habeas corpus case of Masuchi Tanaka, in which he averred the Japanese was held at the federal immigration office without medical treatment, though the attorney was convinced the man was suffering from beriberi.

Pleading before the court this morning for an order for the man's examination by an independent physician, Attorney Lightfoot added to his sensational charge of last week by declaring the immigration officials had already made one abortive attempt to ship Tanaka back to Japan, and that he, Lightfoot, believed there was a "nigger in the woodpile," some mysterious motive not yet defined by him, back of the immigration department's general action in the Tanaka affair.

The attorney asserted that Immigration Inspector Richard L. Halsey some time ago assured Tanaka's counsel that a certain expected order from headquarters at Washington had not arrived, and that when it did come he would so notify Lightfoot. Late the same day the attorney stated, he learned that an outgoing steamer bound for the Orient bore Tanaka. By some quick work he said he had reached the vessel and succeeded in removing the Japanese, bringing him back to Honolulu. He said the order from Washington had come that day, probably after Halsey had discussed the matter with him, and that the inspector had tried to "railroad" the Japanese out of the country.

Judge Clemons said there was some doubt in his mind as to his authority to order a medical examination of the prisoner. He accordingly called for further evidence tending to sustain Lightfoot's contention.

AMERICANS AND FOREIGNERS POUR OUT OF MEXICO; HUERTA TRIES TO FORM NEW CONGRESS

Warnings of U. S. and German Embassies Send Residents Hurrying to Seaports—Slaughter of Federal Prisoners at Juarez Denied by Carranza, Though Report of Executions Is Confirmed

MEXICO CITY, Mexico, Nov. 17.—In terrified expectation of scenes of riot and murderous disorder worse than anything in the past, Americans and foreigners of all kinds are in general and wholesale exodus from the capital and are hurrying to the seaports to embark for haven abroad.

Huerta Tries to Recruit a Congress

MEXICO CITY, Mexico, Nov. 17.—Dictator Huerta today continued his efforts to organize a new congress, but is far from succeeding. His action is taken in disregard of Special Envoy Lind's warnings and an early severance of diplomatic relations is now predicted.

The American embassy staff is ready to leave at a moment's notice.

Wilson Remains Calm and Confident

WASHINGTON, D. C., Nov. 17.—President Wilson remains calmly confident that a peaceful solution of the harassing Mexican problem is possible and that the elimination of Huerta is certain.

Prisoners Executed at Juarez

EL PASO, Texas, Nov. 17.—Since Juarez was captured by the Constitutionalists last week, there have been 11 executions of federal prisoners, according to the admission of the rebels, but Americans at Juarez say that the number of those executed is really 23.

Carranza Denies Wanton Slaughter

MOGILES, Mexico, Nov. 17.—Gen. Venustiano Carranza, leader of the Constitutionalists, today denied that there is wanton slaughter of prisoners at Juarez. He says that the executions there are probably reprisals. He absolutely denies that he issued specific instructions for the killings.

Beet Sugar Men Say Cane Sugar Will Drive Them From Business

CHICAGO, Ill., Nov. 17.—The annual meeting of the Beet Sugar Manufacturers' Association, which is in session here, today developed a statement that the beet sugar men will be unable to compete with the cane sugar interests after 1916, when sugar goes on the free list, according to the new tariff bill. One delegate to the convention has declared that \$100,000,000 of capital must seek new employment within a year.

King Of Bulgaria, Defeated In War, Gets Ready To Abdicate

COBURG, Sax-Coburg, Nov. 17.—Czar Ferdinand of Bulgaria is here in retirement, and his abdication from the Bulgarian throne is probable. In that case, Crown Prince Boris will succeed him. Ferdinand has been made the subject of bitter attack since the Bulgarian war against the other Allies failed.

A. A. U. Elect Coast Sportsman

NEW YORK, N. Y., Nov. 17.—John Elliott of San Francisco, a well known sportsman of the Pacific coast, was today elected vice-president of the Amateur Athletic Union.

'WALTZ ME AROUND AGAIN, WILHELM'

BERLIN, Germany, Nov. 17.—The kaiser has forbidden army or navy officers from dancing the tango, one-step or two-step, or visiting where any of these dances are practiced.

RETIRED AFTER 30 YEARS SPENT IN ONE COMPANY

[Special Star-Bulletin Correspondence]

SCHOFIELD BARRACKS, Nov. 17.

First Sergeant Robert T. Flint, company E, 25th Infantry, was placed on the retired list here last week on the completion of 30 years' service, all of which time had been spent in the same company, and the service was continuous, he having re-enlisted on the day following the date of his discharge on the completion of two five-year and four three-year enlistment periods. He had nearly completed his seventh enlistment when the receipt of the war department order placed him on the retired list of the army. Sergeant Flint's service began on November 23, 1883. He was promoted to the grade of corporal on November 23, 1892, was sergeant and quartermaster sergeant from January 23, 1895, to January 17, 1913, and was first sergeant of his company to the day of his retirement. The retirement of this splendid old soldier, who is of a type now fast disappearing from the ranks of the army, has been made the occasion of the publication of two very complimentary orders one issued by his company and one by his regimental commander. The former order appears below:

Schofield Barracks, H. T.

Company E, 25th Infantry.

Special Orders No. 14.

1. Special orders No. 244, dated war department, Washington, October 18, 1913, has this date placed First Sergeant Robert T. Flint on the retired list.

Sergeant Flint's services in the 25th Infantry have been so uniformly excellent that he deserves and receives the admiration and respect from his comrades. He is a veteran of the last Indian war prior to 1898, and was a participant in the desperate combat

Attorney McBride After Portion of Kealoha's Salary

[Special Star-Bulletin Wireline]

HILO, Nov. 17.—Attorney Claudius McBride today asked for a writ of mandamus ordering the county auditor to issue warrants for 75 per cent of John Kealoha's salary for the past four months, amounting to \$150, which amount is at present held up under garnishee action. Special Prosecutor Robert W. Breckons will respond to the request tomorrow morning. Norman K. Lyman was arraigned and passed for plea pending the arrival of his attorney, Frank E. Thompson, who is expected in Hilo next Monday. Sentence in the case of David Mastoon was passed for one week.

JAPANESE AVIATOR MAKES NIGHT FLIGHT

(Special cable to the Nippon Jiji)

TOKIO, Japan, November 17.—

Lieutenant Sakamoto, a member of the aviation corps of the Japanese army, made a successful flight at 9 o'clock last night at the Nagoya aviation field, his performance being witnessed by thousands of persons. Searchlights were played on the aviator and he remained in the air for some time. It was the first successful night flight ever made here.

A meeting of the Hawaii National Democratic League will be held this evening at 7:30. The meeting will be held in the office of Attorney Joseph Lightfoot, Kapiolani building. The purpose of the meeting is to appoint a committee to wait upon Jeff McCarn, the new United States district attorney, when he arrives here. A discussion is expected on the question of L. E. Phikham's confirmation as governor.

On the ground of non-support Mary Grube today was granted a divorce decree from John Grube by Judge Whitney.

Judge Whitney this morning appointed J. D. Marquez guardian of the estate of Mary Grube.